

Nossaman LLP

Janice Mock (pro hac vice)
jmock@nossaman.com
Allan H. Ickowitz (pro hac vice)
aickowitz@nossaman.com
S. Ashar Ahmed (pro hac vice)
aahmed@nossaman.com
Catherine F. Ngo (pro hac vice)
cngo@nossaman.com
50 California Street, 34th Floor
San Francisco, CA 94111
Telephone: 415-398-3600
Facsimile: 415-398-2438

The Cooper Castle Law Firm LLP

Aaron M. Waite (NV 007947)
await@ccfirm.com
Jason Peck (NV 010183)
jpeck@ccfirm.com
S. Durango Drive
Las Vegas, NV 89113
Telephone: 702-435-4175
Facsimile: 702-877-7424

Attorneys for Creditor
FEDERAL DEPOSIT INSURANCE
CORPORATION, as Receiver for
LA JOLLA BANK, FSB0

Durham Jones & Pinegar

Timothy S. Cory (NV 1972)
tcory@djplaw.com
Duane H. Gillman
dgillman@djplaw.com
10785 W. Twain Ave., Suite 300
Las Vegas, NV 89135
Telephone: 702-870-6060
Facsimile: 702-870-6090

Attorneys for Debtor

DANIEL GEORGE JOHN TARKANIAN

Larson & Zirzow, LLC

Zachariah Larson, Esq.
zlarson@lzlawnv.com
Matthew C. Zirzow, Esq.
mzirzow@lzlawnv.com
S. Casino Center Blvd. #101
Las Vegas, Nevada 89101

Attorneys for Debtor

AMY MICHELLE TARKANIAN

UNITED STATES BANKRUPTCY COURT

DISTRICT OF NEVADA

IN RE DANIEL GEORGE JOHN
TARKANIAN AND AMY MICHELLE
TARKANIAN,

Debtors.

)
) BK-S-13-20495-MKN
) Chapter 7
)

STIPULATION TO AUTHENTICATE
SPECIFIED EVIDENCE AT THE
EVIDENTIARY HEARING ON FDIC-R'S
OBJECTION TO CLAIMS OF
EXEMPTION BY ALTERNATE DIRECT
TESTIMONY AND WAIVER OF 14-DAY
NOTICE REQUIREMENT UNDER
LOCAL RULE 9017(D)(I)

) Date: May 1, 2014
)

) Time: 9:30 a.m.
) Courtroom: 2 (Third Floor)
)
) Before Chief Judge Mike K. Nakagawa
) 300 Las Vegas Boulevard South
) Las Vegas, Nevada
)

**STIPULATION TO AUTHENTICATE SPECIFIED EVIDENCE AT THE EVIDENTIARY
 HEARING ON FDIC-R'S OBJECTION TO CLAIMS OF EXEMPTION BY ALTERNATE
 DIRECT TESTIMONY AND WAIVER OF 14-DAY NOTICE REQUIREMENT UNDER
 LOCAL RULE 9017(D)(I)**

Creditor, FEDERAL DEPOSIT INSURANCE CORPORATION, as Receiver for La Jolla Bank, FSB (the "Creditor") by and through its counsel, Janice Mock of Nossaman LLP, and Debtors DANIEL GEORGE JOHN TARKANIAN and AMY MICHELLE TARKANIAN (the "Debtors"), by and through their respective counsel, the law firms of Durham Jones & Pinegar and Larson & Zirzow, LLC, (together, the "Parties), hereby stipulate as follows:

1. Debtors filed their schedule of assets, including Schedule C, "Property Claimed as Exempt," on January 3, 2014. [Dkt. No. 12.]

2. Creditor filed an Objection to Claims of Exemption to object to Debtors' homestead exemption. [Dkt. No. 40.]

3. Pursuant to the Court's minute entry, FDIC-R's Objection to Claims of Exemption will be heard at an evidentiary hearing scheduled for May 1, 2014. [Dkt. No. 88.]

4. Pursuant to Local Rule 9017, if the Parties stipulate and the Court approves the stipulation, alternate direct testimony may be used during trials of contested matters in the form of written declarations and exhibits as a substitute for live testimony. The declarations and exhibits the Parties seek to introduce are described below.

5. Chicago Title Company Property History Record -- Creditor submitted the Declaration of Janice Mock [Dkt. No. 40-1] in Support of its Objection to Claims of Exemption, which attached a number of exhibits, including the Property Profile and History (pages 1 - 4 of 16) of Exhibit A thereto [Dkt. No. 40-3], a publicly available electronic record from the Chicago Title Company, which reflects the transfer of the real property located at 3008 Campbell Circle,

1 Las Vegas, Nevada (the “Campbell Property”) to the Daniel and Amy Tarkanian Revocable
2 Family Trust in 2006. Copies of pages 1 - 4 of 16 are attached hereto as **Exhibit 1**. Creditor
3 previously properly authenticated Exhibit A [Dkt. No. 40-3] to the Declaration of Janice Mock
4 [Dkt. No. 40-1] in Support of its Objection to Claims of Exemption, which comports with all of
5 the requirements set forth in Local Rule 9017(c).

6 6. Bank Records -- Creditor seeks to introduce certain bank records identified in the
7 Mock Declaration filed herewith and other bank records that were presented to witnesses during
8 depositions taken during the week of April 14-18, which were obtained pursuant to subpoena and
9 produced by each of the banks’ respective custodian of records. These records will be identified
10 as exhibits and lodged with the Court on April 28, 2014, as previously ordered. These records
11 are properly authenticated by the banks’ custodial declarations, all of which are attached as
12 Exhibits 1 and 2 to the Mock Declaration filed herewith and which comport with all of the
13 requirements set forth in Local Rule 9017(c).

14 7. Plat Maps -- Debtor seeks to introduce two plat maps showing the location of the
15 Campbell Property in relation to the property owned by Daniel Tarkanian’s parents. These maps
16 were obtained by counsel for Daniel Tarkanian through a search of public records maintained
17 online by the Clark County Assessor’s office, as explained in the Declaration of Duane H.
18 Gillman (“Gillman Declaration”) filed herewith.

19 8. To the extent that exhibits and declarations were not submitted in accordance with
20 the deadlines set forth in Local Rule 9017(d)(1), the Parties waive those requirements.

21 **NOW, THEREFORE**, subject to Court approval, the Parties hereby stipulate and agree:

22 9. The authentication of the Pages 1 - 4 of 16 of Exhibit A to the Declaration of
23 Janice Mock [Dkt. No. 40-3] may be made by alternate direct testimony at the May 1, 2014
24 hearing.

25 10. The authentication of certain bank records identified in the Mock Declaration
26 filed herewith and other bank records that were presented to witnesses during depositions taken
27 during the week of April 14-18 and produced by subpoenaed banks pursuant to the custodial
28

1 declarations attached as Exhibits 1 and 2 to the Mock Declaration may be made by alternate
2 direct testimony.

3 11. The authentication of the Plat Maps, attached as Exhibit A to the Gillman
4 Declaration, may be made by alternate direct testimony at the May 1, 2014 hearing.

5 12. The Parties agree that the records referenced herein are properly authenticated and
6 that they will submit no evidentiary objections thereto. Therefore, Parties further agree that the
7 custodial declarants, Janice Mock, and Duane H. Gillman do not need to be available for cross-
8 examination on authentication issues during the May 1, 2014 hearing.

9 **STIPULATED AND AGREED TO BY:**

10 DATED: April 28, 2014.

11
12 NOSSAMAN LLP

13 By: /s/ Janice Mock
14 JANICE MOCK, ESQ.
15 50 California Street, 34th Floor
San Francisco, CA 94111

16 *Attorneys for Creditor*
17 *Federal Deposit Insurance Corporation as*
18 *Receiver for La Jolla Bank, FSB*

19 DATED: April 29, 2014.

20 DURHAM JONES & PINEGAR

21 By: /s/ Duane H. Gillman
22 DUANE H. GILLMAN, ESQ.
23 10785 W. Twain Avenue, Suite 200
Las Vegas, NV 89135

24 *Attorneys for Debtor*
25 *Daniel George John Tarkanian*
26
27
28

1
2 DATED: April 29, 2014.

3 LARSON & ZIRZOW, LLC

4 By: /s/ Zachariah Larson
5 ZACHARIAH LARSON
6 810 S. Casino Center Blvd., #101
7 Las Vegas, NV 89101

8 *Attorneys for Debtor*
9 *Amy Michelle Tarkanian*
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Exhibit 1



3008 CAMPBELL CIR
LAS VEGAS, NV 89107-3214

Document Contents

- Profile Cover Sheet
- Property History Page
- Property Comparables (Detailed)
- Property Comparables (Summary)
- Neighborhood
- Plat Map



Provided By

Cheryl Yanez
700 Flower Street, Suite 800
Los Angeles, CA 90017
Cheryl.Yanez@ctt.com

Courtesy of Chicago Title
Offered by Chicago Title
All Information produced is deemed reliable but is not guaranteed.



Profile Report

Chicago Title

Primary Owner: TARKANIAN DANIEL & A REV FAM TR; TARKANIAN DANIEL J & AMY M TRS

Secondary Owner:

Mail Address: 3008 CAMPBELL CIR
LAS VEGAS, NV 89107-3214

Site Address: 3008 CAMPBELL CIR
LAS VEGAS, NV 89107-3214

APN: 139-32-212-004

Housing Tract Number:

Lot Number:

Legal Description: District: LV

Subdivision: RANCHO NEVADA EST UNIT 4

Map Ref: PB B0015 P0046

Sec / Township / Range: PART OF SE4 NW4 S32 T20S R61E

Legal Brief Description: DIST:LV CITY:LAS VEGAS

SUBD:RANCHO NEVADA EST UNIT 4 SEC/TWN/RNG/MER:PART
OF SE4 NW4 S32 T20S R61E PLAT BOOK 15 PAGE 46 LOT 4
BLOCK 1 & VAC RD MAP REF:PB B0015 P0046

City / Muni / Twp: LAS VEGAS

Property Details

Bedrooms: 6	Year Built: 1976	Square Feet: 4,234
Bathrooms: 5	Garage: Attached 2	Lot Size: 23,522 SF
Total Rooms: 10	Fireplace: 2	Number of Units: 0
Zoning:	Pool: H	Use Code: Single Family Residential
No of Stories: 1		
Building Style:		

Sale Information

Transfer Date: 05/08/2006	Seller: TARKANIAN, DANIEL J; TARKANIAN, AMY M
Transfer Value: \$0.00	Document#: Cost/Sq Feet:
Title Company: NONE AVAILABLE	

Assessment and Taxes

Assessed Value: \$134,750.00	Percent Improvement: 73.51%	Homeowner Exemption:
Land Value: \$35,700.00	Tax Amount: \$4,875.52	Tax Rate Area: 200
Improvement Value: \$99,050.00	Tax Account ID:	Tax Status: Current
Market Improvement Value:	Market Land Value:	Market Value:
Tax Year: 2011		

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CHICAGO TITLE COMPANY



Property History

Chicago Title 

TARKANIAN DANIEL & A REV FAM TR; TARKANIAN DANIEL J & AMY M TRS
3008 CAMPBELL CIR, LAS VEGAS, NV 89107-3214
APN: 139-32-212-004 CLARK COUNTY

Prior Transfer - 05/08/2006

Recording Date:	05/08/2006	Document#:	<u>BK-PG: 20060508-0002143</u>
Price:	\$0.00	Document Type:	Intrafamily Transfer or Dissolution
First TD:	\$0.00	Type of Sale:	Transfer Tax on doc. indicated as EXEMPT

Lender Name:

Buyer Name: TARKANIAN, DANIEL J; TARKANIAN, AMY M
Buyer Vesting: Revocable Trust

Seller Name: TARKANIAN, DANIEL J; TARKANIAN, AMY M

Legal Description: **Lot Number:** 4
Block: 1
Subdivision: RANCHO NEVADA ESTATES UNIT 4
Map Ref: MB15 PG46

Prior Transfer - 05/08/2006

Recording Date:	05/08/2006	Document#:	<u>BK-PG: 20060508-0002142</u>
Price:	\$0.00	Document Type:	Intrafamily Transfer or Dissolution
First TD:	\$0.00	Type of Sale:	Transfer Tax on doc. indicated as EXEMPT

Lender Name:

Buyer Name: TARKANIAN, DANIEL J; TARKANIAN, AMY M
Buyer Vesting: Community Property(Marital Community)

Seller Name: TARKANIAN, DANNY

Legal Description: **Lot Number:** 4
Block: 1
Subdivision: RANCHO NEVADA ESTATES UNIT 4
Map Ref: MB15 PG46

Prior Transfer - 06/10/2005

Recording Date:	06/10/2005	Document#:	<u>BK-PG: 20050610-0003855</u>
Price:	\$810,000.00	Document Type:	BS
First TD:	\$648,000.00	Type of Sale:	Full Amount on Deed

First TD Doc: 20050610/0003857

Lender Name: GREENPOINT MORTGAGE FUNDING INC

Buyer Name: TARKANIAN, DANNY
Buyer Vesting: Married Man as his sole and separate property

Seller Name: PETERSEN, MELISSA F

Legal Description: **Lot Number:** 4
Block: 1
Subdivision: RANCHO NEVADA ESTATES UNIT 4
Map Ref: MB15 PG46

Adjustable Rate Index: Libor

Rate Change Frequency: Six months or Semi-annually

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CHICAGO TITLE COMPANY



Property History

Chicago Title



Prior Transfer - 06/10/2005

Recording Date:	06/10/2005	Document#:	<u>BK-PG: 20050610-0003856</u>
Price:	\$0.00	Document Type:	Intrafamily Transfer or Dissolution
First TD:	\$0.00	Type of Sale:	Transfer Tax on doc. indicated as EXEMPT
Lender Name:			
Buyer Name:	TARKANIAN, DANNY	Buyer Vesting:	Married Man as his sole and separate property
Seller Name:	TARKANIAN, AMY		
Legal Description:	Lot Number: 4 Block: 1 Subdivision: RANCHO NEVADA ESTATES UNIT 4 Map Ref: MB15 PG46		

Prior Transfer - 04/13/2004

Recording Date:	04/13/2004	Document#:	<u>BK-PG: 20040413-0003309</u>
Price:	\$430,000.00	Document Type:	BS
First TD:	\$330,000.00	Type of Sale:	Full Amount on Deed
First TD Doc:	<u>20040413/0003310</u>		
Lender Name:	RELIANCE MORTGAGE		
Buyer Name:	PETERSEN, MELISSA F	Buyer Vesting:	N/A
Seller Name:	JOHNSTON, BERRY E; JOHNSTON, JOANN		
Legal Description:	Lot Number: 4 Block: 1 Subdivision: RANCHO NEVADA ESTATE Unit: 4 Map Ref: MB15 PG46		

Courtesy of Chicago Title

Offered by Chicago Title

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